

EXHIBIT NO. 1

12
3-17-01

Docket Item #
BAR CASE #2000-0244

~~6~~
~~2-24-01~~

City Council
February 24, 2001

ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for approval of new replacement windows at 216 South Washington Street

APPLICANT AND

APPELLANT: Downtown Baptist Church by M. Catharine Puskar, Attorney

LOCATION: 216 South Washington Street

ZONE: CD\Commercial

Background:

216 South Washington Street is the Education Building for the Downtown Baptist Church and was constructed in 1937.

In this application the Board was asked to approve vinyl replacement windows on the second and third levels on the rear of the Education Building of the Downtown Baptist Church. The Board initially heard this application on November 1, 2000 and deferred it for restudy in order to have the applicant explore additional options for replacement windows. The Board again considered the application on November 16, 2000 and requested additional information on the method of installation and examples of where similar windows had been installed so that the members could view the new windows in place. Finally, on December 6, 2000 the Board again considered the matter and denied the installation of the vinyl replacement windows.

The Board denied the application because (1) vinyl windows were not appropriate on an early 20th century building; and, (2) there are other types of windows such as metal that would be appropriate on the building. (see B.A.R. Minutes at Attachment 1).

The Board's denial of the application was appealed to Council by the applicant. The appeal was filed in a timely manner.

B.A.R. Staff Position Before the Board:

B.A.R. Staff recommended approval of the application because this was a 20th century institutional building and because of the minimal visibility of the rear of the building from Duke Street. Staff also noted that the Board had approved vinyl replacement windows on other 20th century commercial buildings on Washington Street (Attachment 2)

City Council Action Alternatives:

Council may uphold or overturn the decision of the B.A.R., using the criteria for approval of a Certificate of Appropriates in §10-105(A)(2) Zoning Ordinance (Attachment 3). City Council may also remand the project to the Board with instructions to consider alternatives.

Attachments:

Attachment 1: Minutes of BAR Meeting,

Attachment 2: B.A.R. Staff Reports,

Attachment 3 §10-105(A)(2): Criteria to be considered for a Certificate of Appropriateness

Attachment 4: Photographs of the rear of 216 South Washington Street

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning; Peter H. Smith, Principal Staff, Boards of Architectural Review.

BAR CASE #2000-0244

REPORT ATTACHMENTS

ATTACHMENT 1

MINUTES OF B.A.R. PUBLIC HEARING, DECEMBER 6, 2000

CASE BAR-2000-0244

Request for approval of new replacement windows at **216 South Washington Street**, zoned CD Commercial.

APPLICANT: Downtown Baptist Church

BOARD ACTION: **Denied, 5-2.**

MOTION: To deny the application.

MAKER: Mr. Wheeler

SECOND: Dr. Fitzgerald

SPEAKERS: Don Taylor, Downtown Baptist Church
Brian Whitehouse, The Hodges Company
Jon Wilbor, representing the Old Town Civic Association

NOTES: Mr. Taylor outlined the proposal.

Mr. Whitehouse passed around photographs of buildings where the vinyl window packages had been installed to show the Board the changes in the solid to void relationship as a result of the new window installation. He also said that he had provided Staff with a number of addresses in the Alexandria area where this type of window had been installed so that members could visit these sites. He said about ½" - 1" of the vinyl frame would be visible on the existing wood frames.

Mr. Wilbor said that OTCA was concerned about the solid to void relationship that would be changed as a result of the new windows and that they would defer to the Board on this issue, but that otherwise the OTCA supported the installation of vinyl windows on the second and third floors of this building.

Mr. Smeallie said that this seemed to be a major change for the OTCA and asked if OTCA supported the installation of vinyl windows on this building.

Mr. Wilbor responded that yes OTCA supported the vinyl windows primarily because they were proposed for the second and third floors.

Mr. Taylor said that the church would prefer the installation of the B.F. Rich windows over the Napco product.

Mr. Wheeler said he was opposed to vinyl windows on this building. He said a 1" liner would be required on the inside of the brick mould. He said that considering the age of the building that metal windows would be more appropriate. He also noted that this building was in the center of the historic district.

Dr. Fitzgerald said he had struggled with this application. He said he understood the position of the church. However, he said that if the wood trim would be exposed and would still require painting then that obviated the maintenance argument that was being made on behalf of the vinyl windows. He also noted that Home Depot sells paint just for vinyl windows because they require painting after a certain exposure to the weather. He said he agreed with Mr. Wheeler that the vinyl windows would change the profile of the existing windows. He said that this building would not have had vinyl windows when it was constructed because the product did not exist. He concluded that he could not support the application.

Mr. Wheeler then made a motion to deny the application.

Dr. Fitzgerald seconded the motion which passed on a vote of 5-2 (Chairman Hulfish and Mr. Keleher were opposed).

BAR CASE #2000-0244

ATTACHMENT 2

BAR STAFF REPORTS, DECEMBER 6, 2000

Docket Item #8
BAR CASE #2000-0244

BAR Meeting
December 6, 2000

ISSUE: Window replacement
APPLICANT: Downtown Baptist Church
LOCATION: 216 South Washington Street
ZONE: CD/Commercial Downtown

STAFF RECOMMENDATION:

Staff recommends approval of either one of the two alternative window products proposed by the applicant.

CHRONOLOGY:

November 15, 2000: Deferred for restudy.

November 1, 2000: Deferred for restudy.

DISCUSSION:

Update:

At the last public hearing on November 1, 2000, the Board deferred this application for restudy and suggested that the applicant look at other window products that were more historically appropriate. The applicant has met with Staff and is now proposing two alternatives:

1. Vinyl Napco windows with no muntins in a one-over-one pattern. This is the same window type as proposed at the last public hearing, but with no interior muntins; or,
2. Vinyl B.F. Rich Company windows with simulated divided lights which are glued permanently to the windows.

The Hodges Company, the installer of the proposed windows, has provided a list of sites in Alexandria where they have installed these products. Staff has created a map showing these locations and urges members to view the products as installed to form a judgement about the appropriateness of the proposed window types.

At the last public hearing, the Board was concerned that the jamb packs that would be used in the installation of the new windows would alter the solid to void ratio for the window and frame. The applicant agreed to provide the Board a model so that the potential change in the solid to void ratio could be adequately addressed.

Staff has no additional information and here repeats the Staff report from November 15, 2000.

Applicant's Description of the Undertaking:

"Changing second and third floor windows on the sides and rear of the building. Please see attached for scope of work for Downtown Baptist Church and pictures of the location."

Issue:

The applicant is requesting approval of a Certificate of Appropriateness for the replacement of 35 windows on the rear (east) and side (south) of the building at 216 South Washington Street. The current windows are double hung true divided light wood windows. They are proposed to be replaced with double hung insulated vinyl windows and the applicant has provided two

alternatives described above.

History and Analysis:

216 South Washington Street is the Education Building for the Downtown Baptist Church and was constructed in 1937.

Staff is sympathetic to the needs of the church to significantly upgrade the thermal value of the windows on this building and staff is cognizant of the fact that the windows have limited visibility from a major public right-of-way. The *Design Guidelines* cite vinyl windows as a "Discouraged" type of window. The alley behind the building is a public alley to the point where this building begins and, thus, the vinyl windows would be visible to anyone walking down the alley.

Staff has researched Board approval of vinyl and clad windows in the last few years and determined that the Board has approved the installation of clad windows on commercial and institutional buildings and additions in the recent past. For example, the Board approved the installation of vinyl windows for the 1987 office building at 1429 Duke Street (BAR Case #95-21, 3/1/95); aluminum clad wood windows for the addition to the Kate Waller Barret public library (717 Queen Street, BAR Case #93-68, 7/21/93); the renovation and addition to the convent at St. Mary's School (923 South Royal Street, BAR Case #94-101, 7/20/94); the 1960 commercial building at 400 North Washington Street in 1996 (BAR Case #96-0054, 3/20/96) where the Board approved the identical style windows requested in this application; and the 1962 commercial building at 300 North Washington Street in 1997 when the Board also approved vinyl windows with internal muntins. In 1998 the Board approved fiberglass windows with internal grids above the first floor at the 1964 commercial office building at 201 North Washington Street (BAR Case #98-0085, 6/17/98).

Based upon these past approvals, the fact that this is a 20th century commercial building, and the minimal visibility of the rear of the building from Duke Street, Staff has no objection to either of the window types proposed by the applicant.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Code Enforcement:

No comments were received from this agency.

Historic Alexandria:

I am concerned about vinyl windows and would want to be sure that the public view/access is indeed extremely limited. This is a major project and I would not want to set a precedent when other owners are required to use wood.

ATTACHMENT 3

10-105 Matters to be considered in approving certificates and permits.

(A) Certificate of appropriateness

(2) Standards. Subject to the provisions of section 10-105(A)(1) above, the Old and Historic Alexandria district board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

(a) Overall architectural design, form, style and structure including, but not limited to, the height, mass and scale of buildings and structures;

(b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

(c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

(d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;

(e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;

(f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;

(g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

- (h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;
- (i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and
- (j) The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.

ATTACHMENT 4



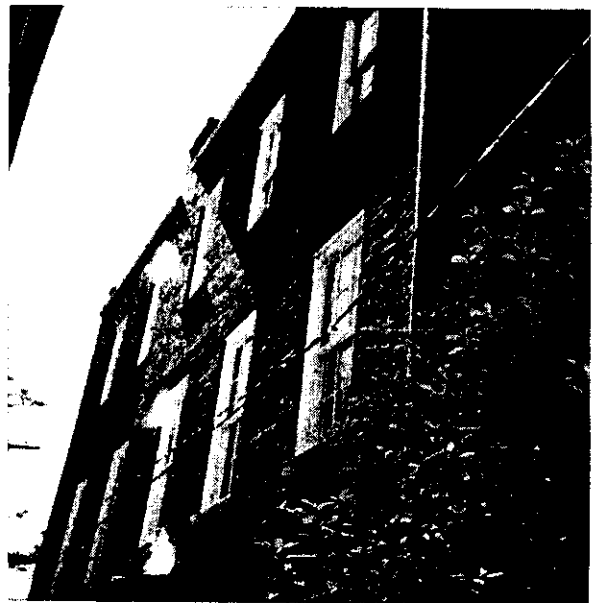
#1 DOWNTOWN BAPTIST CHURCH
SOUTH SIDE LOOKING NORTH AT
REAR OF #216 S. WASHINGTON FROM
ALLEY BEHIND #222 S. WASHINGTON



#2 DOWNTOWN BAPTIST CHURCH
SOUTH SIDE LOOKING EAST FROM
ALLEY BETWEEN #216 & #220
S. WASHINGTON



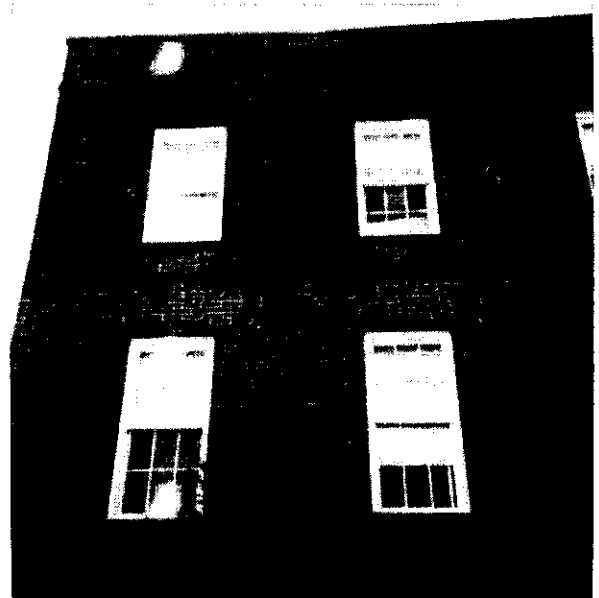
#3 DOWNTOWN BAPTIST CHURCH
2nd FLOOR WINDOWS ON REAR OF
#216 S. WASHINGTON FROM S.E.
CORNER OF BLDG.



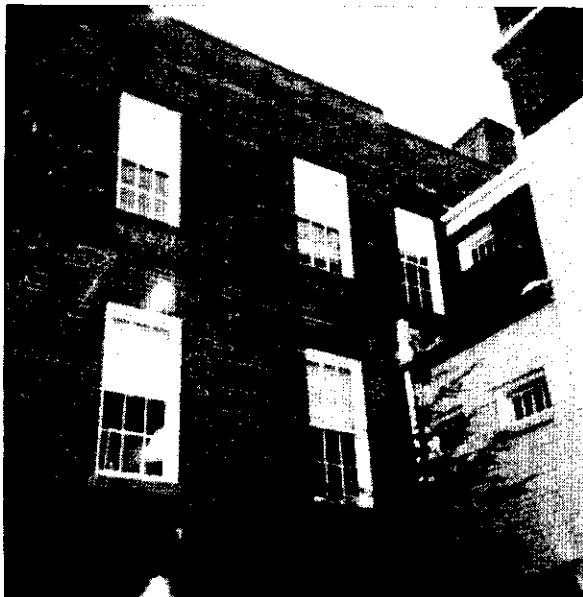
#4 DOWNTOWN BAPTIST CHURCH
2 & 3 FLOOR WINDOWS ON REAR OF
#216 S. WASH LOOKING SOUTH FROM THE
ALLEY.



#5 DOWNTOWN BAPTIST CHURCH
LOOKING SOUTH FROM ALLEY BY
#10 NORTON CT. + U.S. COURTHOUSE
3RD FLOOR WINDOWS ON N. SIDE.



#6 DOWNTOWN BAPTIST CHURCH
#216 S. WASH. NORTH SIDE REAR
WINDOWS OF 2ND + 3RD FLOOR
THIS PICTURE JOINS PICTURE #7



#7 DOWNTOWN BAPTIST CHURCH
#216 S. WASH. CENTER OF NORTH SIDE
WINDOWS ON 2D + 3RD FLOOR WHERE
IT JOINS BLDG #212 S. WASH. ST.

12
3-17-01~~9~~
~~2-24-01~~Sent to CC, CA, CM, Lichele,
Eileen, P. SmithRECORD OF APPEAL
FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 12/20/00

B.A.R. Case # 2000-0244

Address of Project: 216 South Washington Street

Appellant is: (Check One)

☒ B.A.R. Applicant - by M. Catharine Puskar, Attorney/Agent☐ Other Party. State RelationshipAddress of Appellant: Downtown Baptist Church, by M. Catharine Puskar, Attorney/Agent
c/o Walsh, Colucci, Stackhouse, Enrich & Lubeley
2200 Clarendon Blvd., 13th Floor
Arlington, VA 22201

Telephone Number: (703) 528-4700

State Basis of Appeal: Please see attached.

Attach additional sheets, if necessary.

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

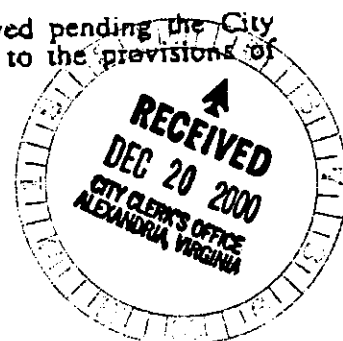
All appeals require a \$50 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

M. Catharine Puskar
Signature of the AppellantRECEIVED
CITY CLERK'S OFFICE

DEC 20 2000

ALEXANDRIA, VIRGINIA

M. Catharine Puskar, atty.
Case BAR# 2000-0244

Attachment

BASIS OF APPEAL

The Applicant, Downtown Baptist Church, hereby appeals the decision of the Board of Architectural Review (the "Board") denying a Certificate of Appropriateness for the replacement of 35 windows on the rear (east) and side (south) of the building located at 216 South Washington Street. The Applicant submits that the proposed replacement windows satisfy the standards for approval as set out in Zoning Ordinance Section 10-105 (A)(2).

In the way of background, the Downtown Baptist Church submitted an application ("Case BAR 2000-0244" or the "Application") to request Board approval of the replacement of second and third floor wooden windows, which are deteriorated. The current condition of the windows is unattractive and poses a hazard as panes of glass have fallen from the rotten muntins. The windows are located a minimum of 12 ft. to 14 ft. from the ground on the education building and can barely be seen from the public right of way. In fact, they would only be visible to an individual who looks up toward the windows as they walk down the dead end alley adjacent to the building. The Applicant's proposed replacement windows are vinyl.

The Applicant attended three public hearings before the Board of Architectural Review. At both the November 1 and November 15, 2000 hearings, the Application was deferred for a restudy of the replacement windows. At the first hearing, concerns were raised regarding the authenticity of vinyl windows in this building and whether wooden or clad windows would be more appropriate. At the second hearing, the Applicant provided two alternative vinyl window types that more closely mirrored the existing wooden windows. At that hearing, questions were raised regarding the width of the window jambs and also whether there was any precedent for approval of such windows by the Board. At the December 6, 2000 hearing, the Applicant noted that only 1/2 to 1 inch of the vinyl frame would be visible on the existing wood frames, which would remain in place. As such, the solid to void relationship, which had been questioned in the earlier hearing, would not be significantly altered. In addition, Staff provided the Board with a list of properties where vinyl and clad windows had been approved by the Board.

The Applicant submits that the proposed vinyl replacement windows are appropriate for this building for the following reasons:

1. The building is a 20th century commercial building (constructed in 1937) and the subject windows are located on building frontages with minimal visibility from the public right of way;
2. The replacement windows are the same architectural character and design as the existing wooden windows and would not have a negative impact on the area. In fact, installation of the vinyl windows, as opposed to clad or wooden windows, would retain the existing exterior wood frames, which are in good condition;

3. There is precedent for approval of such window types by the Board, as stated in the Staff report;
4. Wooden or clad windows are substantially more expensive in terms of installment and maintenance costs. As such, funds that would be much better utilized in furtherance of the Church's charitable missions within the City of Alexandria will have to be redirected to meet the Board's desire for authenticity on this minor issue. This creates a substantial burden on the ability of the Downtown Baptist Church to fulfill its mission; and
5. The Application has the support of Staff and the Old Town Civic Association.

For the above-stated reasons, we respectfully request that you overturn the Board of Architectural Review's denial of Case BAR 2000-0244.

K:\Mcpur\Downtown Baptist Appeal.doc



Kerry J. Donley
Mayor

William C. Cleveland
Vice Mayor

Members of Council
Claire M. Eberwein
William D. Euille
Redella S. Pepper
David G. Speck
Joyce Woodson

City of Alexandria, Virginia

*301 King Street, Suite 2300
Alexandria, Virginia 22314*

12
3-17-01



Beverly I. Jett, CMC
City Clerk and
Clerk of Council
beverly.jett@ci.alexandria.va.us

(703) 838-4550
Fax: (703) 838-6433

February 28, 2001

M. Catharine Puskar, Esquire
Walsh, Colucci, Stackhouse, Emrich & Lubeley
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Dear Ms. Puskar:

RE: BAR APPEAL – #2000-0244 – 216 SOUTH WASHINGTON STREET

The above appeal will be scheduled for public hearing before City Council at its Public Hearing Meeting to be held on Saturday, March 17, 2001, at 9:30 a.m. in Room 2400, Council Chamber, City Hall, 301 King Street, Alexandria, Virginia.

You may call my office on Monday, March 12, 2001, to see where it is placed on the docket. Enclosed is a speaker's form to be completed by you and given to the City Clerk prior to the items being read.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Beverly I. Jett, CMC
City Clerk and Clerk of Council

cc: Eileen Fogarty, Director of Planning and Zoning
Peter Smith, Board of Architectural Review Staff

"Home Town of George Washington and Robert E. Lee"

P.F. 3/17/01 12
3-17-01

- CITY SEAL -

NOTICE OF PUBLIC HEARING ON AN APPEAL OF A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW, OLD AND HISTORIC ALEXANDRIA DISTRICT, DENYING A REQUEST FOR APPROVAL OF NEW REPLACEMENT WINDOWS AT 216 SOUTH WASHINGTON STREET, ZONED CD COMMERCIAL. [CASE BAR-2000-0244]

A Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber of the City of Alexandria, on Saturday, March 17, 2001, at 9:30 a.m., or an adjournment thereof, at which time an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on December 6, 2000, denying a request for approval of new replacement windows at 216 South Washington Street, zoned CD Commercial, will be heard. APPLICANT: Downtown Baptist Church by M. Catharine Puskar, Attorney.

This appeal is being heard pursuant to Section 10-107(A)(1) of the Zoning Ordinance for the Old and Historic Alexandria District of the City of Alexandria.

Beverly I. Jett, CMC, City Clerk

To be published in the:

Alexandria Journal on Thursday, March 1, 2001, and
Alexandria Gazette Packet on Thursday, March 1, 2001.

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

12
3-17-01

DOCKET ITEM NO. 12

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar
2. ADDRESS: Walsh, Colucci et al 2200 Clarendon Blvd Ste 1300
Arlington, VA 22201
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Downtown Baptist Church
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES X NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.